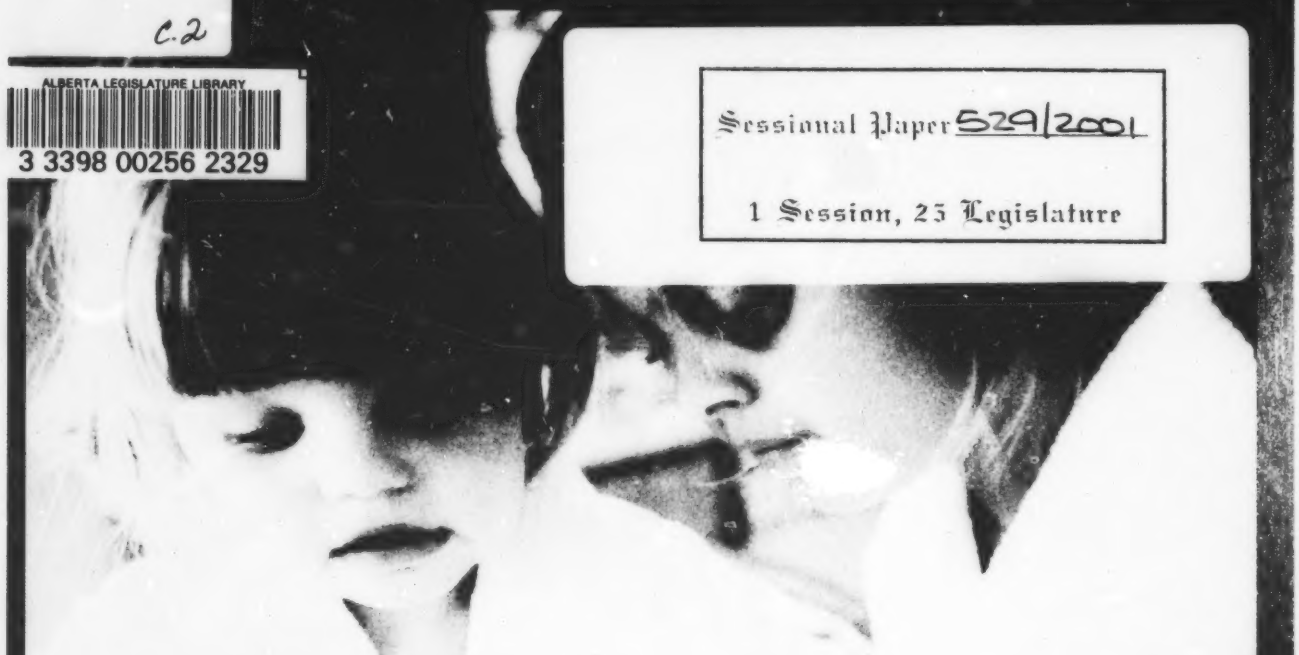
CA2 ALCHS 20
2001C38
c.2
ALBERTA LEGISLATURE LIBRARY
3 3398 00256 2329

Sessional Paper 529/2001
1 Session, 25 Legislature



Child Welfare Act Review Discussion Guide 2001

The Child, The Family and Our Government: Your Vision for Alberta

Alberta
CHILDREN'S SERVICES

Visit our website at www.childwelfareact.gov.ab.ca

102-03752/

Child Welfare Act Review Discussion Guide 2001:

The Child, The Family and Our Government: Your Vision for Alberta

Prepared by the *Child Welfare Act* Review Office

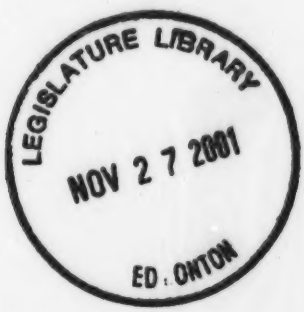


Table of Contents

Message from the Minister 1
Introduction to the Review Process 2
What is the Child Welfare Act? 3
Why is the Child Welfare Act Being Reviewed? 4
How Can I Provide My Ideas to the Review? 5
What Values Should Guide Our Child Welfare Act? 6
What Should the Child Welfare Act Say About Prevention and Early Intervention? 8
When Does a Child Need to be Protected? 9
When a Child or Youth Needs Help 10
When a Child Needs to be Placed Outside of the Home 11
What Happens When a Child Can't be Returned Home 13
Improving Services to First Nations, Metis and Inuit Children and Their Families 14
Listening Carefully to Children and Youth 15
Listening to Families and Community Members 16
Respecting the Privacy of Families 17
When a Child Needs to be Adopted 18
.....Adoption of Children in Permanent Care 18
.....International Adoptions 19
.....Adoption Through Direct-Placement 20
.....Adoption Through Licensed Agencies 21
.....Adoption Through Step-Parents or Relatives 22
.....Assessing Adoption Information 23
.....Open Adoptions 24
Providing Supports to Families with Children who have Disabilities 25
Your Comments and Questions 26
How to Access Further Information and Make a Submission 27

Message from the Minister

Iris Evans, Minister
Alberta Children's Services

You have an important role as an Albertan, and as one who cares for the future well-being of children, youth and families in our province.

The mandate of the Children's Services Ministry is to "work together to enhance the ability of families and communities to develop nurturing and safe environments for children, youth and individuals". As part of this mandate, the responsibilities set out for us in the *Child Welfare Act* are of vital and central importance to the ministry and to all who receive or provide supports for children and families.

The *Child Welfare Act*, as legislation, has a very profound and direct impact on the lives of thousands of Alberta's children and families. The protection of children is a top priority for each of us and is a responsibility that I take very seriously as Minister. The *Child Welfare Act* must achieve a balance between promoting and ensuring the safety and well-being of children while also respecting the fundamental responsibility of parents for their children. It must reflect the values and principles of the people of Alberta and it must carefully counsel those guided by the *Child Welfare Act* to be motivated by the best interests of the child.

Our government, through the Children's Services Ministry and through the leadership of Harvey Cenaiko, MLA for Calgary Buffalo, is preparing to review and revise the *Child Welfare Act* over the coming months. Your ideas and suggestions are significant to this process and to the well-being of many children and families across the province. Please take time to contribute. I look forward to both hearing your submissions and reviewing your ideas and proposals.

Sincerely,

Iris Evans

Iris Evans, Minister
Alberta Children's Services

Introduction to the Review Process

Harvey Cenaiko
MLA Calgary Buffalo

Our government's review of the *Child Welfare Act* will be about making decisions to achieve a balance between promoting and ensuring the safety and well-being of children and youth, and respecting the responsibility of parents for their children. We will strive to create this balance in the best interests of children. Each of us has our own unique perspective on what those "best interests" might be. This review will provide Albertans with the opportunity to share their views as we develop a *Child Welfare Act* that will serve children and support families over the coming years.

Through this review, we want to hear from as many Albertans as possible over the coming months. We have developed this Discussion Guide to help you through the review of this large and complex piece of legislation. We are asking you to send us your ideas by the end of February. We will review those ideas and develop recommendations for changes to the *Child Welfare* Act to be brought before the Alberta legislature in the Spring of 2003.

The Discussion Guide is there to help you with your review of the *Child Welfare Act.* It is simply a *starting point* that introduces some key ideas, issues and questions. We have structured the Discussion Guide around what values should guide our legislation, promoting child well-being and early intervention, meeting the needs of children in need of protective services, supporting adoptions, and providing resources to families who have children with disabilities. More background information is available through our web site.

At a very basic level we are really asking you to consider three questions about our *Child Welfare Act:*

- What is currently working well for children, youth and families?
- What are the issues?
- What are the solutions?

We know that there will be a wide range of ideas on how to improve our Child Welfare legislation. We are committed to listening to your concerns, issues and ideas about the *Child Welfare Act.* We will do our very best to use and balance your different ideas in the best interests of Alberta's children, youth and families.

Your ideas and views are critical to our task. Thank you for taking the time. I look forward to meeting as many of you as possible over the coming months.

Sincerely,

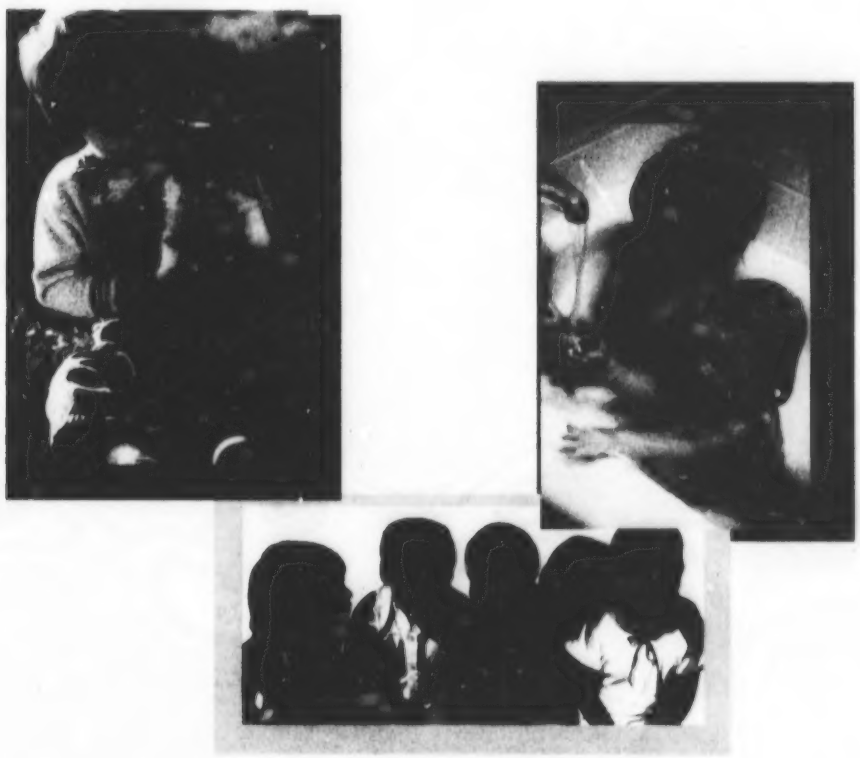
Harvey Cenaiko MLA
Chair, *Child Welfare Act* Review

What is the Child Welfare Act?

The *Child Welfare Act* of Alberta is the law that supports three important services to children, youth and families in Alberta:

- **Child Protection** - To protect children from being harmed by abuse or neglect; to support families in their role as parents and when necessary, to ensure that children are cared for appropriately.
- **Adoptions** - To find families for children who need a permanent home.
- **Resources to Children with Disabilities** - To help families of children with disabilities.

Many children and families across Alberta are served through the *Child Welfare Act*. Last year alone, over 15,000 children and youth received child protective services; almost 9,000 families were supported in caring for their children with disabilities; and over 800 adoptions took place around the province.



Why is the Child Welfare Act being reviewed?

The current *Child Welfare Act* is 17 years old. Our ideas on how best to support children and families have continued to change over these years. Our province has continued to grow and change, with many new Albertans from around the world having joined our communities.

In addition, over the past few years there have been a number of changes in how our services are provided to children and families. A new Children's Services Ministry was established. There are now 18 regional Child and Family Services Authorities under the leadership of community boards. We have also come to recognize the important role that First Nations and Métis communities must play in delivering services to their children and families.

The time is right to make sure that our *Child Welfare Act* continues to meet the needs of Alberta's children, youth and families.

How can I provide my ideas for the review?

Please read this guide, think about the questions, and then send your ideas and views in writing by e-mail, fax, or mailing them to our office. At the end of this guide, we will provide you with the necessary information to send in your comments.

We are open to new ideas on what should be contained in the legislation and we encourage you to use the linkages section of our web-site to access other ideas and research. You can access more background information on the review, including a copy of the present *Child Welfare Act*, through our website at www.childwelfareact.gov.ab.ca **or** call (780) 415-9795 **or** toll free at 310-0000.

We would also suggest that you read the ministry's Annual Report, also available on our web site, as a source of information on the Children's Services Ministry.

Your submissions can respond to *some* or *all* of the questions raised through this Discussion Guide, and/or you can give us *your own* specific issues or ideas for the legislation.

What values or principles should guide our Child Welfare Act?

Values are standards of behaviour that we believe are important. Our *Child Welfare Act* must reflect the values important to Albertans. Albertans value independence, fairness, respect for individuals, and respect for the diversity of our community. It is important to think about what values should help guide the development of our *Child Welfare Act.*

Principles are the ideas or beliefs that will guide and shape our *Child Welfare Act.* The principles we include will guide the courts and Children's Services in the decisions they make about children and youth under the *Act.* In the current legislation some of the key principles are:

1. The safety and well-being of our children and youth is front and center in the *Child Welfare Act.* The interests of a child or youth should always be recognized and protected. The opinion of the child should be taken into account in making decisions under the *Act.*

2. Families have the primary responsibility to care for their children.

3. The well-being of the family should be supported and preserved. Families have the right to the least invasion of their privacy, but this needs to be balanced against the rights of individual family members and our broader society.

4. Caution should be exercised in removing a child from the care of his/her family, with the risks and benefits being carefully weighed. When a child is removed from home, we have responsibilities to adequately care and respect the child's familial, cultural, social and religious background.

5. Children, youth and families need to be treated fairly, with respect, warmth and dignity.

In recent years we have come to recognize that:

- Families should feel safe seeking help before problems become critical.
- Services and programs in the community need to more effectively work together to help children, youth and families.
- Children's Services must work in partnership with First Nations, Metis and Inuit communities in the care of their children and families.
- Families in Alberta come from diverse ethnic and cultural backgrounds; they have different values, spiritual beliefs, and customs. Our *Child Welfare Act* needs to respect and work with these differences between families.

These are principles that we may wish to see reflected in our new *Child Welfare Act.*

Questions

1. **What values do you think are important to our *Child Welfare Act*?**
2. **What principles should shape our *Child Welfare Act*?**
3. **How can parents, extended families, communities and government work better together to make sure that children and youth are safely cared for in their families and communities?**
4. **How do we ensure that our *Child Welfare Act* is respectful of the ethnic and cultural diversity of our communities?**

In recent years we have come to recognize that:

- Families should feel safe seeking help before problems become critical.
- Services and programs in the community need to more effectively work together to help children, youth and families.
- Children's Services must work in partnership with First Nations, Metis and Inuit communities in the care of their children and families.
- Families in Alberta come from diverse ethnic and cultural backgrounds; they have different values, spiritual beliefs, and customs. Our *Child Welfare Act* needs to respect and work with these differences between families.

These are principles that we may wish to see reflected in our new *Child Welfare Act*.

Questions

1. **What values do you think are important to our *Child Welfare Act*?**

2. **What principles should shape our *Child Welfare Act*?**

3. **How can parents, extended families, communities and government work better together to make sure that children and youth are safely cared for in their families and communities?**

4. **How do we ensure that our *Child Welfare Act* is respectful of the ethnic and cultural diversity of our communities?**

What should the Child Welfare Act say about Prevention and Early Intervention?

Currently, the *Child Welfare Act* provides guidelines for helping children and families only when a child needs to be protected from abuse or neglect. However, our mandate as the Children's Services Ministry is to work together to enhance the ability of all families and communities to develop nurturing and safe environments for children and youth.

Many of the families who look to us for help do not need protective services for their children. We also know, despite our broader mandate, that many families who may need a helping hand have difficulty approaching us because they think of Children's Services as only being involved in child protection. We know the value of helping children and families earlier through promotion of healthy parenting, prevention and early intervention. This helps can prevent a disaster from occurring later on. **A key issue for our review is whether we should reference this part of our mandate in our *Child Welfare Act.***

Questions

5. **How can we better meet the needs of families seeking help where there are no protection concerns?**

6. **Should the new *Child Welfare Act* address prevention, early intervention and the promotion of well-being for children, youth and families? If so, how?**

Children in Need of Protective Services

Albertans want to know that children and youth who are needing protection from abuse or neglect receive the help they need. The *Child Welfare Act* helps us decide **when** children need to be protected from abuse or neglect.

Under the *Child Welfare Act*, Albertans are required by law to report any instances where there are probable grounds to believe a child may be in need of protection. A child may be in need of protection if they have been physically, emotionally, or sexually harmed by the actions of a parent; a caregiver; or an older child or adult. A child may also need to be protected if they do not have a guardian for some reason or if their basic needs are not being met. Finally, a child may need to be protected if they are harming themselves through their own actions.

Children's Services regularly receives reports from the community about the alleged abuse or neglect of a child. Looking into these reports normally consists of a face-to-face interview with the child followed by a separate interview with the child's parent(s). After examining all of the information, a decision is made about whether or not protective services are needed.

Questions

7. **In your opinion, when is a child in need of protection ?**

8. **How should individuals and parents be held accountable for abuse and neglect of children?**

9. **How do we make sure that the rights of children, youth and families are protected when we are looking into reports of abuse and neglect?**

10. **What improvements should be made in how we look into reports of abuse and neglect?**

What should the Child Welfare Act say about Prevention and Early Intervention?

Currently, the *Child Welfare Act* provides guidelines for helping children and families only when a child needs to be protected from abuse or neglect. However, our mandate as the Children's Services Ministry is to work together to enhance the ability of all families and communities to develop nurturing and safe environments for children and youth.

Many of the families who look to us for help do not need protective services for their children. We also know, despite our broader mandate, that many families who may need a helping hand have difficulty approaching us because they think of Children's Services as only being involved in child protection. We know the value of helping children and families earlier through promotion of healthy parenting, prevention and early intervention. This helps can prevent a disaster from occurring later on. **A key issue for our review is whether we should reference this part of our mandate in our *Child Welfare Act*.**

Questions

5. **How can we better meet the needs of families seeking help where there are no protection concerns?**

6. **Should the new *Child Welfare Act* address prevention, early intervention and the promotion of well-being for children, youth and families? If so, how?**

Children in Need of Protective Services

Albertans want to know that children and youth who are needing protection from abuse or neglect receive the help they need. The *Child Welfare Act* helps us decide **when** children need to be protected from abuse or neglect.

Under the *Child Welfare Act*, Albertans are required by law to report any instances where there are probable grounds to believe a child may be in need of protection. A child may be in need of protection if they have been physically, emotionally, or sexually harmed by the actions of a parent; a caregiver; or an older child or adult. A child may also need to be protected if they do not have a guardian for some reason or if their basic needs are not being met. Finally, a child may need to be protected if they are harming themselves through their own actions.

Children's Services regularly receives reports from the community about the alleged abuse or neglect of a child. Looking into these reports normally consists of a face-to-face interview with the child followed by a separate interview with the child's parent(s). After examining all of the information, a decision is made about whether or not protective services are needed.

Questions

7. **In your opinion, when is a child in need of protection ?**

8. **How should individuals and parents be held accountable for abuse and neglect of children?**

9. **How do we make sure that the rights of children, youth and families are protected when we are looking into reports of abuse and neglect?**

10. **What improvements should be made in how we look into reports of abuse and neglect?**

When a Child or Youth Needs Help...

While it is of highest importance to protect children from harm, the *Child Welfare Act* places an emphasis on respecting the rights and responsibility of parents to care for a child, as well as recognizing the benefits of a child staying with their family when it is safe to do so.

Under the *Child Welfare Act*, protective services can be offered to children while they stay in the care of their parents. Through an agreement with the parents or through an order of the court, parents are supported in addressing the child protection concerns through a range of services such as family support, parenting classes, or counselling.

In recent years, there has been a growing demand for help for youth. Adolescence is a time of significant growth and change, and caring for teens can be a challenge for many parents. Children's Services are often called in to look into situations of parent-teen conflict. In many cases, parent-teen conflict is more than the normal conflict that takes place between parents and their increasingly independent teens. In providing help it is important that we make sure youth in need of protection receive the support they need, but it is also important that when normal teen-parent conflict occurs, parents remain active and responsible for the care of their children.

Questions

11. **When a child or youth needs protective services, how can we better support parents in addressing concerns, while at the same time supporting parents in their role and responsibility of caring for their children?**

12. **When is there a role for extended family members in this process?**

13. **When teen-parent conflicts occur, can we better support parents and youth in resolving conflict? If so, how?**

14. **How can we ensure and support parents in remaining active and responsible for the care of their children?**

When a Child or Youth Needs Help...

While it is of highest importance to protect children from harm, the *Child Welfare Act* places an emphasis on respecting the rights and responsibility of parents to care for a child, as well as recognizing the benefits of a child staying with their family when it is safe to do so.

Under the *Child Welfare Act*, protective services can be offered to children while they stay in the care of their parents. Through an agreement with the parents or through an order of the court, parents are supported in addressing the child protection concerns through a range of services such as family support, parenting classes, or counselling.

In recent years, there has been a growing demand for help for youth. Adolescence is a time of significant growth and change, and caring for teens can be a challenge for many parents. Children's Services are often called in to look into situations of parent-teen conflict. In many cases, parent-teen conflict is more than the normal conflict that takes place between parents and their increasingly independent teens. In providing help it is important that we make sure youth in need of protection receive the support they need, but it is also important that when normal teen-parent conflict occurs, parents remain active and responsible for the care of their children.

Questions

11. **When a child or youth needs protective services, how can we better support parents in addressing concerns, while at the same time supporting parents in their role and responsibility of caring for their children?**

12. **When is there a role for extended family members in this process?**

13. **When teen-parent conflicts occur, can we better support parents and youth in resolving conflict? If so, how?**

14. **How can we ensure and support parents in remaining active and responsible for the care of their children?**

When a Child Needs to be Placed Outside of the Home...

When children or youth are seriously harmed or in danger of being seriously harmed, they can be removed from their home until the safety concerns have been addressed. This can be done through an agreement with the parents or through a court order. In these circumstances the children or youth may be placed with a member of their extended family, in a foster home, or in a group home. When children are placed in care, parents may have up to two years to take the necessary steps so their children can be safely returned. A court may order that the child stay in care one additional year to give the parents more time.

There are many challenges and issues involved in removing children and youth from their homes:

- **The stress a child and family experience when they are separated from each other.** Often children and youth must change schools. They face difficulties maintaining contact with their parents, extended family and community while they are in care. Children, youth and families often experience a loss of control and involvement in decisions that affect their lives.

- **The challenge of providing stable and caring homes for children and youth while they remain in care.** The challenge is ensuring that our out-of-home placements meet good standards of safety and care. Currently, licensing and quality assurance for foster homes and group homes are covered under another piece of legislation. By including it under Child Welfare, we may be able to make further improvements to this area.

- **The challenge of effectively helping families address protection concerns so their children can return home as fast as possible.**

- **How much time a family should be given to address protection concerns before a decision is made not to return a child to their family's care.**

When a Child Needs to be Placed Outside of the Home...

Questions

15. **How could we be more effective in working with children, youth and families at critical transition points: 1) when children come into care; 2) when children change placements during their time in care; and 3) when children are returned home.**

16. **How can we ensure stable and caring homes for children and youth while they remain in care?**

17. **Should we address licensing and quality assurance in the *Child Welfare Act*?**

18. **How much time should be given to a family to resolve the protection concerns that led to their child coming into care?**

19. **Can Children's Services more effectively help families address protection concerns so that more children can safely return home and return home in as short a period as possible?**

20. **How can we ensure that we respect the opinions of children or youth about coming into care, changing placements while they are in care, and returning home?**

What Happens When a Child Can't be Returned Home?

Sometimes, in spite of the best efforts of parents and helpers to address the protection needs of a child or youth, they still cannot be returned to their family. When this happens, the courts may decide that a child should be permanently removed from the care of their family. In these circumstances, Children's Services must find a permanent home for the child. Finding a permanent home can mean placing a child with extended family, placing a child for adoption, long-term foster care or offering supported independent living services to older youth.

For First Nations children, there is the practice of placing children or youth with their communities when a parent is unable to take care of a child. This practice has become known as customary adoption. The recognition of this practice would respect the cultural practices of many First Nations peoples.

There are a number of challenges to finding adequate numbers of permanent homes. One issue has to do with deciding what roles the child, youth, birth parent or extended family members should play in permanency planning. Furthermore, placement breakdowns are common, and it is sometimes difficult to find homes from the same ethnic and cultural background of the child or youth.

In addition, there are limited services available to youth after they reach the age of 18. These services are provided through an agreement made with the youth. However, there are often issues for youth in accessing these services, the length of time that services are provided under the agreement and what is expected from the youth in order to continue to receive these services. We know that many young adults in Alberta stay with their families and receive ongoing support well in to their early 20's.

Questions

21. **How can we improve our ability to find permanent homes for children and youth who need them?**

22. **Should we include customary adoption practices in the new *Child Welfare Act*?**

23. **How can we better support youth as they move into early adulthood?**

What Happens When a Child Can't be Returned Home?

Sometimes, in spite of the best efforts of parents and helpers to address the protection needs of a child or youth, they still cannot be returned to their family. When this happens, the courts may decide that a child should be permanently removed from the care of their family. In these circumstances, Children's Services must find a permanent home for the child. Finding a permanent home can mean placing a child with extended family, placing a child for adoption, long-term foster care or offering supported independent living services to older youth.

For First Nations children, there is the practice of placing children or youth with their communities when a parent is unable to take care of a child. This practice has become known as customary adoption. The recognition of this practice would respect the cultural practices of many First Nations peoples.

There are a number of challenges to finding adequate numbers of permanent homes. One issue has to do with deciding what roles the child, youth, birth parent or extended family members should play in permanency planning. Furthermore, placement breakdowns are common, and it is sometimes difficult to find homes from the same ethnic and cultural background of the child or youth.

In addition, there are limited services available to youth after they reach the age of 18. These services are provided through an agreement made with the youth. However, there are often issues for youth in accessing these services, the length of time that services are provided under the agreement and what is expected from the youth in order to continue to receive these services. We know that many young adults in Alberta stay with their families and receive ongoing support well in to their early 20's.

Questions

21. **How can we improve our ability to find permanent homes for children and youth who need them?**

22. **Should we include customary adoption practices in the new Child Welfare Act?**

23. **How can we better support youth as they move into early adulthood?**

Improving Services to First Nations, Metis and Inuit Children and Their Families

There are many First Nations, Metis as well as a small number of Inuit children receiving services under the *Child Welfare Act*. Over the past decade, Children's Services has made efforts to involve First Nations and Metis communities as partners in the planning and delivery of services to their children.

Under the *Child Welfare Act*, First Nations must be asked for their opinions on decisions that affect their children. Currently, only Treaty Indian children are mentioned in the legislation. Métis and Inuit children are not recognized in the *Child Welfare Act*.

Questions

24. How should the new *Child Welfare Act* reflect the role of Aboriginal communities as partners in the planning and delivery of services to their children?

25. Should Métis and Inuit peoples be recognized in the *Child Welfare Act*, and if so, how?

Listening Carefully to Children and Youth

Sometimes children and youth do not agree with the decisions being made that affect their lives. They need help to express their wishes and opinions. The Children's Advocate represents the views, rights and opinions of young people receiving Child Welfare services. The Children's Advocate investigates complaints about services from children, youth, their parents or other members of the community. The Children's Advocate supports a child or youth in expressing their wishes and opinions to Children's Services.

The Children's Advocate also makes recommendations to the Minister of Children's Services about changes they feel should be made in order to improve services to children and families.

The current Act contains provisions respecting the rights of children, youth and parents.
One issue is the degree to which children, youth and parents are aware of their rights. A second issue is **whether or not the current *Child Welfare Act* appropriately addresses all of the rights that children, youth and parents should have.**

Questions

26. What is your view on the role of the Children's Advocate?

27. Are there other forms of advocacy that we should consider?

28. How can we ensure that children, youth and families are aware of their rights?

29. Does the *Child Welfare Act* capture all of the rights that children, youth and families should have and, if not, what is missing?

Improving Services to First Nations, Metis and Inuit Children and Their Families

There are many First Nations, Metis as well as a small number of Inuit children receiving services under the *Child Welfare Act*. Over the past decade, Children's Services has made efforts to involve First Nations and Metis communities as partners in the planning and delivery of services to their children.

Under the *Child Welfare Act*, First Nations must be asked for their opinions on decisions that affect their children. Currently, only Treaty Indian children are mentioned in the legislation. Métis and Inuit children are not recognized in the *Child Welfare Act*.

Questions

24. How should the new *Child Welfare Act* reflect the role of Aboriginal communities as partners in the planning and delivery of services to their children?

25. Should Métis and Inuit peoples be recognized in the *Child Welfare Act*, and if so, how?

Listening Carefully to Children and Youth

Sometimes children and youth do not agree with the decisions being made that affect their lives. They need help to express their wishes and opinions. The Children's Advocate represents the views, rights and opinions of young people receiving Child Welfare services. The Children's Advocate investigates complaints about services from children, youth, their parents or other members of the community. The Children's Advocate supports a child or youth in expressing their wishes and opinions to Children's Services.

The Children's Advocate also makes recommendations to the Minister of Children's Services about changes they feel should be made in order to improve services to children and families.

The current Act contains provisions respecting the rights of children, youth and parents.
One issue is the degree to which children, youth and parents are aware of their rights. A second issue is **whether or not the current *Child Welfare Act* appropriately addresses all of the rights that children, youth and parents should have.**

Questions

26. What is your view on the role of the Children's Advocate?

27. Are there other forms of advocacy that we should consider?

28. How can we ensure that children, youth and families are aware of their rights?

29. Does the *Child Welfare Act* capture all of the rights that children, youth and families should have and, if not, what is missing?

Listening to Families and Community Members

When a child, youth or family disagrees with a decision made by Children's Services, they have the right to have that decision reviewed. There are two ways that decisions can be reviewed, with the first option being an administrative review. An administrative review is a review of a decision by at least two Children's Services managers. Usually this includes a face-to-face meeting between the family and the managers conducting the review. The review must take place within 10 working days of the child or family's request and the family is notified in writing of the decision.

If a child or family is not satisfied by the results of an administrative review, they can have a decision reviewed by a citizen's appeal panel. The *Child Welfare Act* states who can appeal, the types of decisions that can be appealed, and sets out timelines and procedures. The appeal panel has the authority to uphold, vary, or reverse the decision, as long as it stays within the law. **Current issues include who should be eligible to appeal, what decisions can be appealed, and what level of authority the appeal panel should have.**

In certain situations, administrative reviews and appeals can also be heard when foster parents, adoptive parents, or families receiving Handicapped Children's Services disagree with decisions made by Children's Services.

There are other ways of resolving disputes that may be helpful as well. For example, a mediator could be appointed to assist the family and Children's Services in negotiating a solution. Another option could be to arrange for a family/group case conference. Using this approach, members of the family and extended family meet with a neutral facilitator to develop a plan to address the issues.

Questions

30. In your opinion, what should the *Child Welfare Act* say about appeals?

31. Should the new *Child Welfare Act* include other processes to resolve differences of opinion? What should these be?

Respecting the Privacy of Families

When a family receives services, they need to know when, with whom and how their information will be shared. The issue of confidentiality is of great importance in the *Child Welfare Act* because we need to ensure that the family's right to privacy is respected. At the same time, we also need to be able to share information in order to provide the best services to children and families. We need to consider whether or not the *Child Welfare Act* has struck a good balance between the need to share information and the need to respect the privacy of children and families.

Question

32. How can we strike a balance between the need to share information and the need to respect the privacy of children, youth and families?

Listening to Families and Community Members

When a child, youth or family disagrees with a decision made by Children's Services, they have the right to have that decision reviewed. There are two ways that decisions can be reviewed, with the first option being an administrative review. An administrative review is a review of a decision by at least two Children's Services managers. Usually this includes a face-to-face meeting between the family and the managers conducting the review. The review must take place within 10 working days of the child or family's request and the family is notified in writing of the decision.

If a child or family is not satisfied by the results of an administrative review, they can have a decision reviewed by a citizen's appeal panel. The *Child Welfare Act* states who can appeal, the types of decisions that can be appealed, and sets out timelines and procedures. The appeal panel has the authority to uphold, vary, or reverse the decision, as long as it stays within the law. **Current issues include who should be eligible to appeal, what decisions can be appealed, and what level of authority the appeal panel should have.**

In certain situations, administrative reviews and appeals can also be heard when foster parents, adoptive parents, or families receiving Handicapped Children's Services disagree with decisions made by Children's Services.

There are other ways of resolving disputes that may be helpful as well. For example, a mediator could be appointed to assist the family and Children's Services in negotiating a solution. Another option could be to arrange for a family/group case conference. Using this approach, members of the family and extended family meet with a neutral facilitator to develop a plan to address the issues.

Questions

30. In your opinion, what should the *Child Welfare Act* say about appeals?

31. Should the new *Child Welfare Act* include other processes to resolve differences of opinion? What should these be?

Respecting the Privacy of Families

When a family receives services, they need to know when, with whom and how their information will be shared. The issue of confidentiality is of great importance in the *Child Welfare Act* because we need to ensure that the family's right to privacy is respected. At the same time, we also need to be able to share information in order to provide the best services to children and families. We need to consider whether or not the *Child Welfare Act* has struck a good balance between the need to share information and the need to respect the privacy of children and families.

Question

32. How can we strike a balance between the need to share information and the need to respect the privacy of children, youth and families?

Adoptions

When a Child Needs to be Adopted

The family is the most appropriate place for a child to receive the care they need in order to grow up to be healthy adults. Children are sometimes separated from their parents or family because their parents die, or their parents are unable to care for them. If a child loses their parents, Children's Services may try to find a new family to adopt them.

Adoption Of Children In Permanent Care

Children in permanent government care often do not have the option of returning to their parents. Adoption is one way the government finds permanent families that can care for children. Many children in permanent care may have special needs. It is often difficult to find adoptive homes for these children. **A key question is what supports and assistance should be made available to adoptive families to ensure a successful adoption for a child?**

Many of the children in permanent care are First Nations' and Métis children. A key question is how we can ensure that First Nations, Métis and Inuit communities are involved in placement decisions affecting their children.

Question

33. What supports and assistance should be made available to adoptive families to ensure successful adoption of a child?

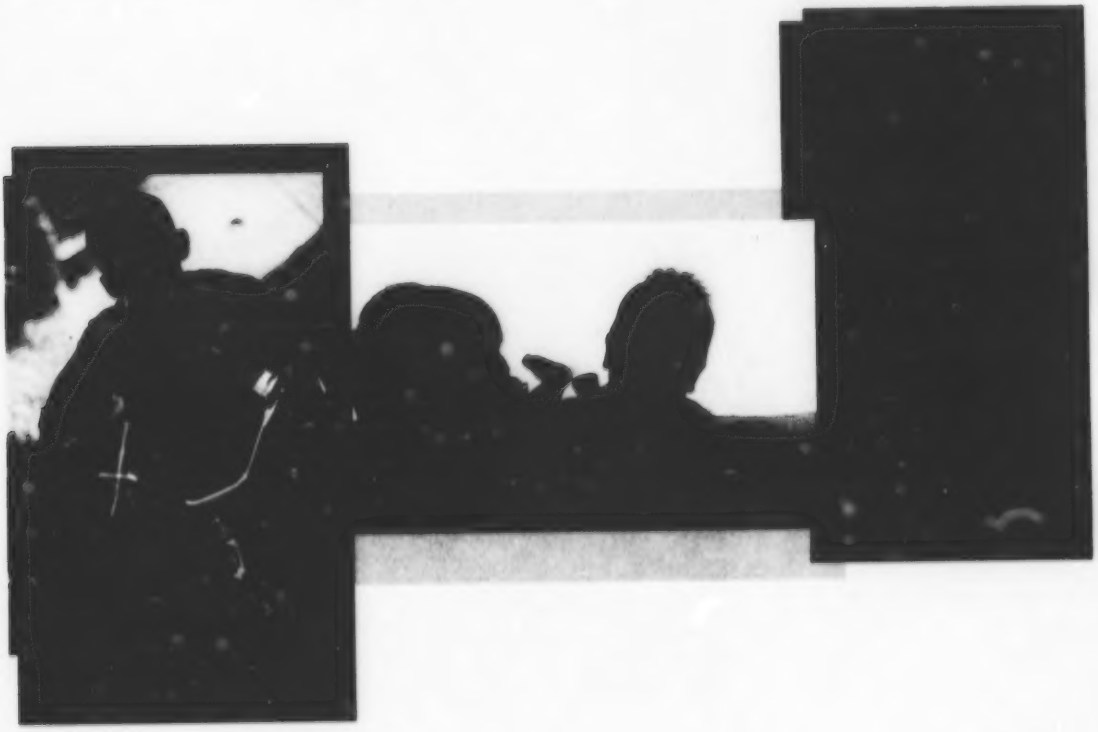
International Adoptions

Many Albertans are choosing to adopt children from other countries. Some countries have entered into agreements that set guidelines for international adoptions. These guidelines do not apply in some countries or in some situations. Families that want to adopt children from other countries have often found it difficult to adopt these children.

Questions

34. Is there a need to clarify the requirements and processes for all international adoptions?

35. What should be the role of government and private agencies in processing international adoptions?



Adoptions

When a Child Needs to be Adopted

The family is the most appropriate place for a child to receive the care they need in order to grow up to be healthy adults. Children are sometimes separated from their parents or family because their parents die, or their parents are unable to care for them. If a child loses their parents, Children's Services may try to find a new family to adopt them.

Adoption Of Children In Permanent Care

Children in permanent government care often do not have the option of returning to their parents. Adoption is one way the government finds permanent families that can care for children. Many children in permanent care may have special needs. It is often difficult to find adoptive homes for these children. **A key question is what supports and assistance should be made available to adoptive families to ensure a successful adoption for a child?**

Many of the children in permanent care are First Nations' and Métis children. A key question is how we can ensure that First Nations, Métis and Inuit communities are involved in placement decisions affecting their children.

Question

33. What supports and assistance should be made available to adoptive families to ensure successful adoption of a child?

International Adoptions

Many Albertans are choosing to adopt children from other countries. Some countries have entered into agreements that set guidelines for international adoptions. These guidelines do not apply in some countries or in some situations. Families that want to adopt children from other countries have often found it difficult to adopt these children.

Questions

34. Is there a need to clarify the requirements and processes for all international adoptions?

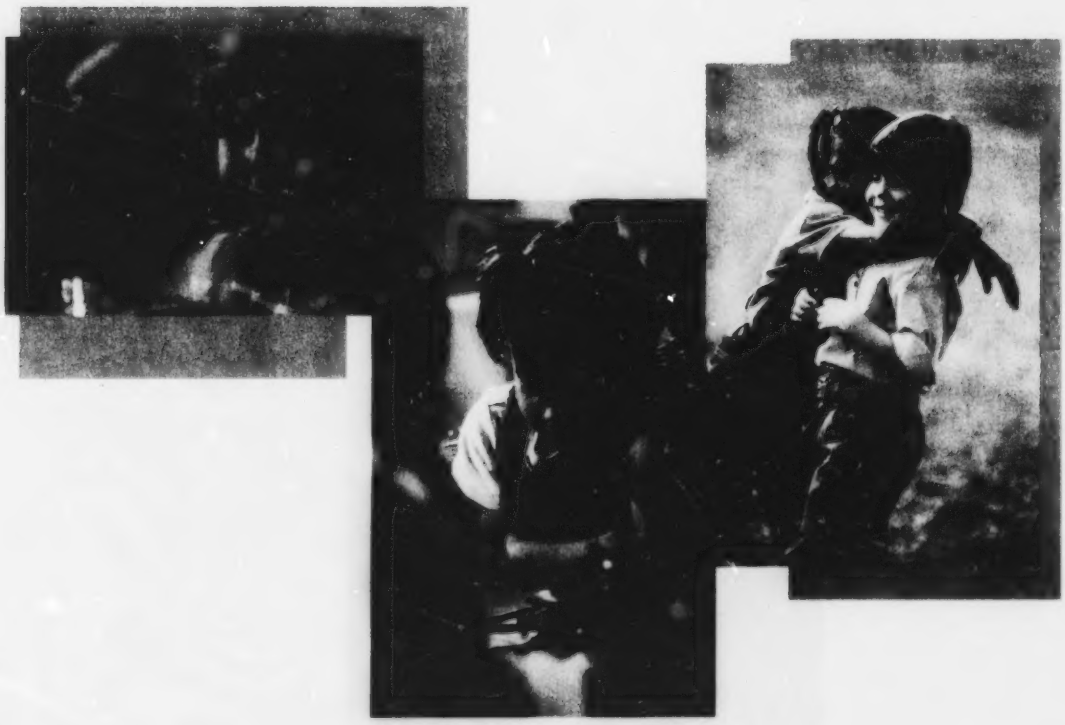
35. What should be the role of government and private agencies in processing international adoptions?

Adoption Through Direct-Placement

A parent who wishes to place their child for adoption may choose to directly place their child with an adoptive family. Children's Services is not involved in helping a parent with direct-placement adoptions. Rather, it is up to the parent to be satisfied that the adoptive family they have chosen will nurture and care for their child. Some parents have had difficulty in finding an appropriate family to adopt their child.

Question

36. Is there a role for government in ensuring that privately arranged adoption placements are safe for the child?



Adoptions Through Licensed Agencies

Birth parents who wish to place their children for adoption, as well as families wishing to adopt, may choose to use the professional services of a licensed adoption agency. These agencies match children with adoptive homes, conduct home assessments, provide training and counselling, and make all necessary arrangements to process the adoption. Families wishing to adopt through a licensed adoption agency are charged a fee for these services.

Question

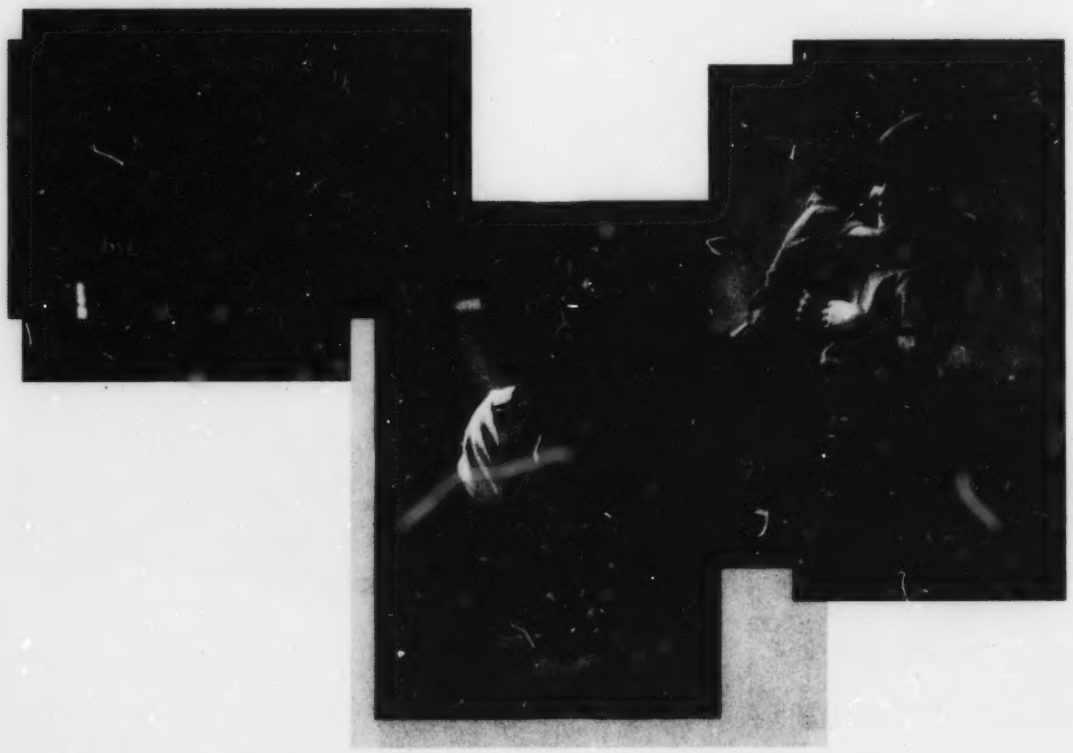
37. Are adoption services through licensed agencies accessible and affordable to all Albertans?

Adoption Through Direct-Placement

A parent who wishes to place their child for adoption may choose to directly place their child with an adoptive family. Children's Services is not involved in helping a parent with direct-placement adoptions. Rather, it is up to the parent to be satisfied that the adoptive family they have chosen will nurture and care for their child. Some parents have had difficulty in finding an appropriate family to adopt their child.

Question

36. Is there a role for government in ensuring that privately arranged adoption placements are safe for the child?

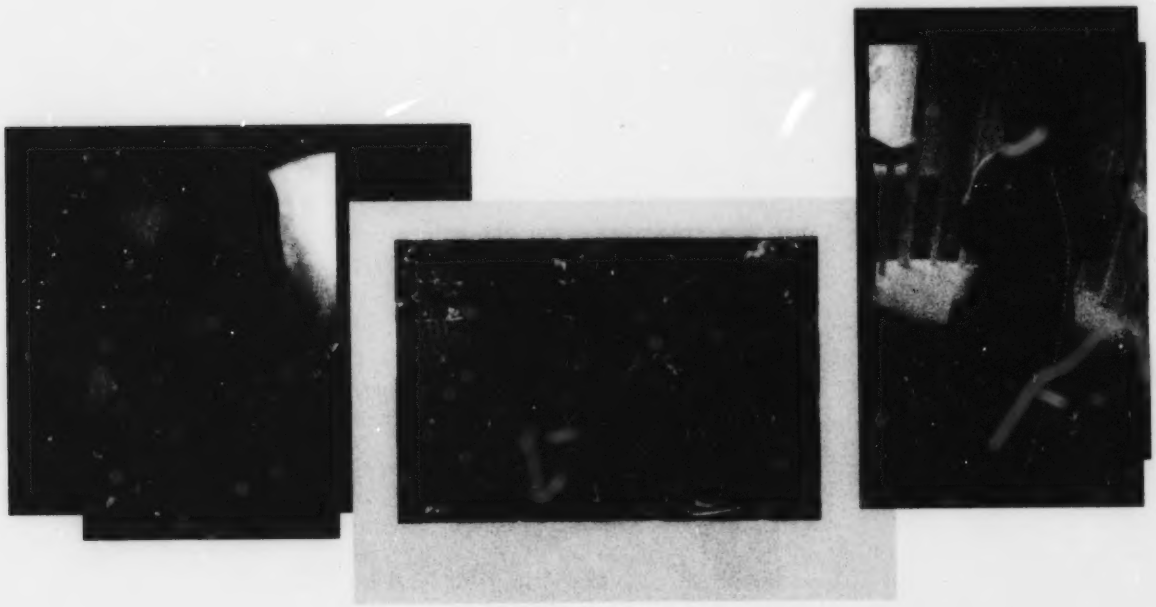


Adoptions Through Licensed Agencies

Birth parents who wish to place their children for adoption, as well as families wishing to adopt, may choose to use the professional services of a licensed adoption agency. These agencies match children with adoptive homes, conduct home assessments, provide training and counselling, and make all necessary arrangements to process the adoption. Families wishing to adopt through a licensed adoption agency are charged a fee for these services.

Question

37. Are adoption services through licensed agencies accessible and affordable to all Albertans?

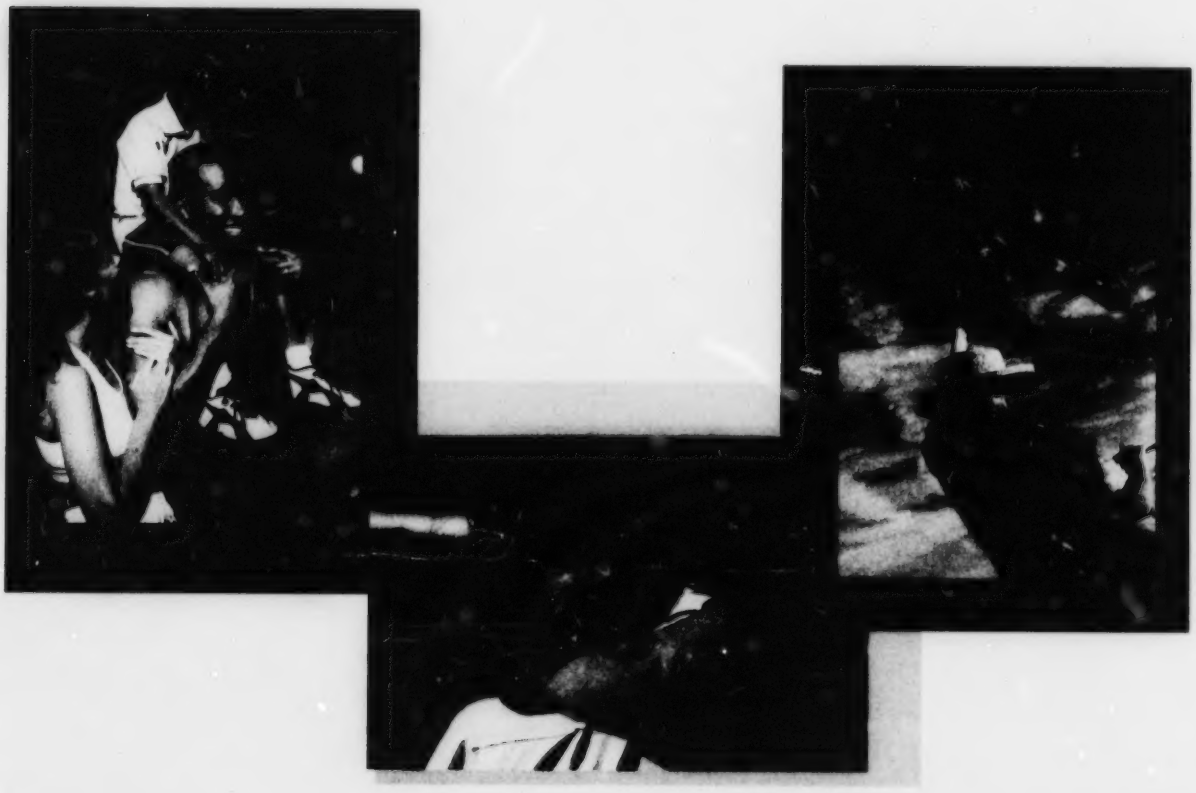


Adoptions by Step-Parents or Relatives

A child may be adopted by their step-parent or by a relative if their guardian is in agreement, or if the child is at least 12 years old and they are in agreement with the adoption.

Question

38. What are the best ways of ensuring that important medical and family information about the child's birth parents is available to the child in the future?



Accessing Adoption Information

When a child is adopted they become part of a new permanent family. But as adopted children grow up and become adults, they want to know more about their birth parents. Today, adopted persons and birth family members can receive information about each other in a number of different ways.

- Adopted persons and birth family members may choose to register with the Post Adoption Registry.
- Adopted persons and birth families may choose to use the services of a licensed adoption search agency to locate and make contact with one another.
- Information may be released to an adopted person if the parents have died.
- Information may be provided by special permission of the Minister of Children's Services.

In recent years, people have asked for more openness in the adoption process. The *Child Welfare Act* tries to make the adoption process more open by giving the adopted person and birth parents access to information relating to adoptions granted after Jan. 1, 2000. Where privacy is an issue, the adopted person or birth parent may choose to stop the sharing of information by filling out a form letter with the Post Adoption Registry.

Question

39. Does the current legislation strike the appropriate balance between the rights of birth parents to privacy and confidentiality, and the rights of adopted persons to access their personal history? Please explain.

Adoptions by Step-Parents or Relatives

A child may be adopted by their step-parent or by a relative if their guardian is in agreement, or if the child is at least 12 years old and they are in agreement with the adoption.

Question

38. What are the best ways of ensuring that important medical and family information about the child's birth parents is available to the child in the future?

Accessing Adoption Information

When a child is adopted they become part of a new permanent family. But as adopted children grow up and become adults, they want to know more about their birth parents. Today, adopted persons and birth family members can receive information about each other in a number of different ways.

- Adopted persons and birth family members may choose to register with the Post Adoption Registry.
- Adopted persons and birth families may choose to use the services of a licensed adoption search agency to locate and make contact with one another.
- Information may be released to an adopted person if the parents have died.
- Information may be provided by special permission of the Minister of Children's Services.

In recent years, people have asked for more openness in the adoption process. The *Child Welfare Act* tries to make the adoption process more open by giving the adopted person and birth parents access to information relating to adoptions granted after Jan. 1, 2000. Where privacy is an issue, the adopted person or birth parent may choose to stop the sharing of information by filling out a form letter with the Post Adoption Registry.

Question

39. Does the current legislation strike the appropriate balance between the rights of birth parents to privacy and confidentiality, and the rights of adopted persons to access their personal history? Please explain.

Open Adoptions

In most situations, when a child is adopted they no longer have any contact with their birth parents, at least until they become an adult. However, attitudes about adoption are changing. Some people believe that while adoption is very important to an adopted person, it is not always the best decision to permanently break the adopted person's ties with their birth parents. Under the Open Adoption approach, birth parents have involvement in the selection of an adoptive home for their child and as also have continued contact with their child and the child's new family after their child is adopted.

Question

40. Should the legislation provide opportunities for open adoption? If so, please explain.

Providing Supports to Families with Children who have Disabilities

Families whose children have a disability face a number of challenges beyond the normal care and costs associated with raising children. Support to these families is currently provided under the *Child Welfare Act* through a section called the "Handicapped Child". Over the past few years there has been considerable expansion in the supports requested by parents. In the face of these increasing demands, the ministry is currently looking at what should be the scope and focus of supports to children with disabilities. Other ministries, such as Health and Wellness and Learning, are also looking at their critical roles in supporting families whose children have disabilities.

Under the Act, Children's Services can make an agreement with a family whose child is "handicapped" to provide services or financial assistance to the family to meet the special needs of their child. The decision of Children's Services can be appealed to a Court of Queen's Bench or to an Appeal Panel.

Questions

41. What are the critical supports and services that should be offered by the Children's Services Ministry?

42. Should there be any changes to the current legislation? If yes, what should these changes be?

Open Adoptions

In most situations, when a child is adopted they no longer have any contact with their birth parents, at least until they become an adult. However, attitudes about adoption are changing. Some people believe that while adoption is very important to an adopted person, it is not always the best decision to permanently break the adopted person's ties with their birth parents. Under the Open Adoption approach, birth parents have involvement in the selection of an adoptive home for their child and as also have continued contact with their child and the child's new family after their child is adopted.

Question

40. Should the legislation provide opportunities for open adoption? If so, please explain.

Providing Supports to Families with Children who have Disabilities

Families whose children have a disability face a number of challenges beyond the normal care and costs associated with raising children. Support to these families is currently provided under the *Child Welfare Act* through a section called the "Handicapped Child". Over the past few years there has been considerable expansion in the supports requested by parents. In the face of these increasing demands, the ministry is currently looking at what should be the scope and focus of supports to children with disabilities. Other ministries, such as Health and Wellness and Learning, are also looking at their critical roles in supporting families whose children have disabilities.

Under the Act, Children's Services can make an agreement with a family whose child is "handicapped" to provide services or financial assistance to the family to meet the special needs of their child. The decision of Children's Services can be appealed to a Court of Queen's Bench or to an Appeal Panel.

Questions

41. What are the critical supports and services that should be offered by the Children's Services Ministry?

42. Should there be any changes to the current legislation? If yes, what should these changes be?

Your Comments and Questions

We know that Albertans care about meeting the needs of children in our province. Children are our hope for a prosperous and meaningful future. We are asking you for your comments and questions on these important issues.

We have talked about many of the areas that are currently included in the *Child Welfare Act*. We are also hoping that you will give us new ideas on what could be added to the Act in order to provide better support to children and families. We encourage you to use the linkages section of our web site to access other ideas and research.

Question

43. Are there new areas that you would like to see included in the *Child Welfare Act?*

Your Comments and Questions

We know that Albertans care about meeting the needs of children in our province. Children are our hope for a prosperous and meaningful future. We are asking you for your comments and questions on these important issues.

We have talked about many of the areas that are currently included in the *Child Welfare Act.* We are also hoping that you will give us new ideas on what could be added to the Act in order to provide better support to children and families. We encourage you to use the linkages section of our web site to access other ideas and research.

Question

43. Are there new areas that you would like to see included in the *Child Welfare Act?*

How to Access Further Information and Make a Submission

You can access more background information on the *Child Welfare Act* through our website at www.childwelfareact.gov.ab.ca **or** call (780) 415-9795 **or** toll free at 310-0000.

Please give us your feedback in writing. Your submissions can be based on *some* or *all* of the questions raised through this Discussion Guide, *your own* specific issues or ideas for the legislation, or specific sections of the *Child Welfare Act* that interest you. In making your submission, we ask that you either use the topic headings provided in this Discussion Guide **or** make specific reference to sections of the *Child Welfare Act*. This will assist us in our review, analysis, and compilation of ideas and recommendations.

Finally, in making a submission, it is important that you specify **if you wish to have your submission remain confidential**. Please advise us if you wish to have your identity maintained in confidence. If you are representing an organization, confidentiality may not be assured. Please note as well that this information is collected and used in a manner that complies with the *Freedom of Information and Protection of Privacy Act*, and may be disclosed publicly.

Submissions can be either mailed to the *Child Welfare Act* Review Office or be sent by e-mail to childwelfareact@gov.ab.ca.

Child Welfare Act Review Office
12th Floor, Sterling Place
9940 106 Street
Edmonton, AB T5K 2N2
Phone: (780) 415-9795
Fax: (780) 422-6642
Toll Free: 310-0000